

Effective 5/12/2015

10-2a-102 Definitions.

- (1) As used in this part:
 - (a) "Feasibility consultant" means a person or firm:
 - (i) with expertise in the processes and economics of local government; and
 - (ii) who is independent of and not affiliated with a county or sponsor of a petition to incorporate.
 - (b) "Private," with respect to real property, means taxable property.
- (2) For purposes of this part:
 - (a) the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filing of the request or petition; and
 - (b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the request or petition.
- (3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or fraction of the total private land area within an area to sign a request or petition:
 - (a) a parcel of real property may not be included in the calculation of the required percentage or fraction unless the request or petition is signed by:
 - (i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or
 - (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;
 - (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:
 - (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that substantiates the person's representative capacity; and
 - (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner.

Renumbered and Amended by Chapter 352, 2015 General Session